

TITLE 72  
WORKER'S COMPENSATION AND RELATED LAWS -- INDUSTRIAL COMMISSION

CHAPTER 12  
WORKFORCE DEVELOPMENT COUNCIL

72-1201. CREATION OF WORKFORCE DEVELOPMENT COUNCIL -- COMPOSITION -- APPOINTMENT -- EXECUTIVE DIRECTOR. (1) There is hereby established in the executive office of the governor the workforce development council. Members of the council and an executive director shall be appointed by and serve at the pleasure of the governor. The governor shall prescribe the structure, duties and functions of the council, which shall include but not be limited to the following:

(a) To serve as the state's coordinating body on matters related to workforce development policy and programs;

(b) To develop and provide oversight of procedures, criteria and performance measures for the workforce development training fund established under section 72-1203, Idaho Code; and

(c) To serve as the state workforce investment board in accordance with section 101 of the federal workforce innovation and opportunity act, 29 U.S.C. 3101 et seq., as amended, and federal regulations promulgated thereunder.

(2) The council may appoint special committees in connection with this section.

(3) The council may apply for and accept grants and contributions of funds from any public or private source.

(4) The executive director is authorized to hire and supervise support staff consistent with the mission and priorities of the council. The executive director shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. Support staff shall be classified employees under the provisions of chapter 53, title 67, Idaho Code.

(5) Members of the council and any special committees who are not state employees shall be compensated for actual and necessary expenses as provided by section 59-509(b), Idaho Code.

[72-1201, added 2018, ch. 47, sec. 1, p. 119.]

72-1202. YOUTH EMPLOYMENT AND JOB TRAINING PROGRAMS. (1) Subject to the availability of funds from public and private sources, the council shall develop and implement youth employment and job training programs to increase employment opportunities for Idaho's youth.

(2) The council shall establish eligibility criteria for participants. At a minimum, participants shall be lawful residents of the United States and the state of Idaho, and eligibility criteria shall not render employment and job training programs ineligible for federal funding.

(3) To the extent practicable, the council shall enlist state and federal agencies, local governments, nonprofit organizations, private businesses and any combination of such entities to act as sponsors for programs administered pursuant to this section. Selection of sponsors shall be based on criteria that include the availability of other resources on a matching basis, including contributions from private sources, other federal, state and local agencies, and moneys available through the federal workforce innovation and opportunity act, 29 U.S.C. 3101 et seq., as amended.

(4) Participants in youth employment and job training programs under this section shall not be employees of the state of Idaho entitled to personnel benefits under the state personnel system, chapter 53, title 67, Idaho Code.

[72-1202, added 2018, ch. 47, sec. 1, p. 119.]

72-1203. WORKFORCE DEVELOPMENT TRAINING FUND. (1) There is established in the state treasury a special trust fund, separate and apart from all other public funds of this state, to be known as the workforce development training fund, hereinafter "training fund." Except as provided herein, all proceeds from the training tax defined in subsection (7) of this section shall be paid into the training fund. The state treasurer shall be the custodian of the training fund and shall invest said moneys in accordance with law. Any interest earned on the moneys in the training fund shall be deposited in the training fund. Moneys in the training fund shall be disbursed in accordance with the directions of the council.

(2) All moneys in the training fund are appropriated to the council for expenditure in accordance with the provisions of this section. The purpose of the training fund is to provide or expand training and retraining opportunities in an expeditious manner that would not otherwise exist for Idaho's workforce. The training fund is intended to supplement but not to supplant or compete with moneys available through existing training programs. The moneys in the training fund shall be used for the following purposes:

- (a) To provide training and retraining for skills necessary for specific economic opportunities and industrial expansion initiatives;
- (b) To provide innovative training solutions to meet industry-specific workforce needs or local workforce challenges;
- (c) To provide public information and outreach on career education and workforce training opportunities, including existing education and training programs and services not funded by the training fund; and
- (d) For all administrative expenses incurred by the council, including those expenses associated with the collection of the training tax and any other administrative expenses associated with the training fund.

(3) Expenditures from the training fund for purposes authorized in paragraphs (a), (b) and (c) of subsection (2) of this section shall be approved by the council based on procedures, criteria and performance measures established by the council.

(4) Expenditures from the training fund for purposes authorized in paragraph (d) of subsection (2) of this section shall be approved by the executive director. The executive director shall pay all approved expenditures as long as the training fund has a positive balance.

(5) The activities funded by the training fund will be coordinated with similar activities funded by the state division of career technical education.

(6) The council shall report annually to the governor and the joint finance-appropriations committee the commitments and expenditures made from the training fund in the preceding fiscal year and the results of the activities funded by the training fund.

(7) A training tax is hereby imposed on all covered employers required to pay contributions pursuant to section 72-1350, Idaho Code, with the exception of deficit-rated employers who have been assigned a taxable wage rate from rate class six pursuant to section 72-1350, Idaho Code. The training tax rate shall be equal to three percent (3%) of the taxable wage

rate then in effect for each eligible standard-rated and deficit-rated employer. The training tax shall be due and payable at the same time and in the same manner as contributions.

(8) The provisions of chapter 13, title 72, Idaho Code, which apply to the payment and collection of contributions, also apply to the payment and collection of the training tax, including the same calculations, assessments, methods of payment, penalties, interest, costs, liens, injunctive relief, collection procedures and refund procedures. The director of the department of labor is granted all rights, authority and prerogatives necessary to administer the provisions of this subsection. Moneys collected from an employer delinquent in paying the training tax shall first be applied to any penalties and interest imposed pursuant to the provisions of chapter 13, title 72, Idaho Code, and then pro rata to the training fund established in subsection (1) of this section. Any penalties and interest collected pursuant to this subsection shall be paid into the state employment security administrative and reimbursement fund, section 72-1348, Idaho Code, and any penalties or interest refunded under this subsection shall be paid from that same fund. Training taxes paid pursuant to this section shall not be credited to the employer's experience rating account and may not be deducted by any employer from the wages of individuals in its employ. All training taxes shall be deposited in the clearing account of the employment security fund, section 72-1346, Idaho Code, for clearance only and shall not become part of such fund. After clearance, the moneys shall be deposited in the training fund. The director of the department of labor may authorize refunds of training taxes erroneously collected and deposited in the training fund.

[72-1203, added 2018, ch. 47, sec. 1, p. 119.]